

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-20318-1

v.

HON. STEPHEN J. MURPHY, III

RICARDO ZAMORA,

Defendant.

/

STIPULATION TO ADJOURN AND FIND OF EXCLUDABLE DELAY

Through their respective counsel, the parties stipulate and agree to the adjournment of the pending dates in this case. The parties stipulate and agree to move the plea cut-off date, from October 19, 2021, until March 3, 2022, and trial date from November 16, 2021, at 9:00 AM, until March 29, 2022. The parties agree and stipulate that additional time will be necessary to continue to explore the possibility of a negotiated resolution of the charges and prepare for trial. The parties agree that plea negotiations are "other proceedings concerning the defendant" within the meaning of 18 U.S.C. § 3161(h)(1), *see United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004); *United States v. Bowers*, 834 F.2d 607, 609-10 (6th Cir. 1987) (per curiam), and that, therefore, this time should be excluded in calculating the time within which the defendant must be brought to trial under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1).

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties stipulate that the extended time period (from the date of the filing of this stipulation and order, to the new trial date) shall constitute excludable delay and that the ends of justice served by this delay outweigh the best interests of the defendant and the public in a speedy trial. Defendants also waive their right to a speedy trial under the Interstate Agreement on Detainers and agree that the continuance requested is reasonable and necessary.

The parties request that the court make a specific finding that the ends of justice served by such a continuance outweigh the interest of the public and the Defendants in a speedy trial because failure to grant such a continuance would result in a miscarriage of justice.

IT IS SO STIPULATED.

Respectfully submitted,

SAIMA MOHSIN,
Acting United States Attorney

s/Robert Jerome White
Robert Jerome White
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9620
e-mail: Robert.white@usdoj.gov

s/Elias J. Escobedo (with consent)
Elias J. Escobedo, Jr. PLLC
Counsel for Ricardo Zamora
955 West Huron St.
Waterford, Michigan 48328
(248) 682-8400
email: elias@escobedolaw.com

Dated: September 27, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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Defendant.

/

ORDER ADJOURNING DATES AND FINDING EXCLUDABLE DELAY

This matter having come before the Court upon the stipulation of the parties, the Court finds that the period from the current trial date of November 16, 2021, to the new trial date on March 29, 2022, shall be excluded in calculating the time within which the defendant has a right to a speedy and public trial pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h). The Court further finds that such a delay is necessary to permit the parties to continue to explore the possibility of a negotiated resolution of the charges, which is considered any proceeding concerning the defendants pursuant to 18 U.S.C. §§ 3161(h)(1) and (7).

IT IS ORDERED that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, and in consideration of the factors listed in sections 3161(h)(1) and 3161(h)(7), the ends of justice are best served by granting a continuance in this case, and these ends outweigh the interest of the public and the defendant in a speedy and public

trial and that any delay occasioned by this adjournment shall be deemed excludable under the Speedy Trial Act.

IT IS FURTHER ORDERED that the following dates will apply:

Final pretrial conference/plea cut-off: March 3, 2022 at 10:00 a.m.

Jury Trial: March 29, 2022 at 9:00 a.m.

SO ORDERED.

s/Stephen J. Murphy, III

STEPHEN J. MURPHY, III

United States District Court Judge

Dated: September 28, 2021